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05 March 2015

**Attention Bernadet Pawandiwa**

Dear Ms Pawandiwa

**Application for Exemption from a Phase 1 Heritage Impact Assessment  
in terms of Section 38 of the National Heritage Resources Act (NHRA, Act 25 of 1999)**

**Proposed Tinley Manor South Bank Spatial Development Plan, KwaDukuza Municipality,  
KwaZulu-Natal**

**Introduction**

Tongaat Hulett Developments (THD) has appointed eThembeni Cultural Heritage to obtain the necessary Amafa approvals for the area known as Tinley Manor South Bank. THD are in the process of compiling a Spatial Development Plan in order to facilitate proceeding with Environmental Authorisations for developing this area (Figure 1). Having completed a site survey of the proposed development area, no heritage resources of significance were identified. Consequently, on behalf of THD we wish to apply for exemption from a Heritage Impact Assessment in terms of Section 38 of the NHRA.



**FIGURE 1 PROPOSED TINLEY MANOR SOUTH BANK DEVELOPMENT AREA<sup>1</sup>**

<sup>1</sup> Graphic supplied by client

## Project description

The study area is located in the KwaDukuza Municipality, approximately 10km north of the greater Ballito area (Dolphin Coast), 25km from the King Shaka International Airport and 50km north of Durban.

The study area is approximately 437ha and is largely under sugarcane with a number of discernible landscape zones (See Figure 2).

## Site assessment and observations

eThembeni staff conducted a field survey of the Tinley Manor South Bank area on 18 February 2015.

The immediate study environment comprises part of a larger riverine, estuarine and coastal system that extends beyond the boundaries of the proposed development area and includes:

- the Mhlali River lower drainage basin with attendant riverine and estuarine systems.
- a fragile coastal dune system and associated remnant fragmented coastal forest patches;
- degraded wetlands currently associated with sugar cane production and;
- sugar cane production on palaeo-dune crests and slopes underlain by Berea dune formations.



FIGURE 2 LANDSCAPE ZONATION OF PROPOSED TINLEY MANOR SOUTH BANK DEVELOPMENT AREA<sup>2</sup>

<sup>2</sup> Graphic supplied by client

The latter are overlain by shallow aeolian sands and palaeo- dune fields. Historically, the vegetation would have comprised a mosaic of sour *Hyphanae* / *Phoenix* palm grassland between stands of swamp, estuarine and coastal forest, typical of the Indian Ocean Coastal Biome and imminently suitable for Iron Age settlement.

We observed residual Iron Age cultural discard on the interface between the overlying aeolian sands and the Berea Formation hardpans immediately below. The latter comprise the base of the plough zone of sugar cane cultivation and the overlying strata have consequently been turned and churned-over for decades. Primary context sites and cultural material have consequently been incorporated into the plough zone. Cultural residues have sifted down and reside on the Berea hardpans below (+/- 40cm), together with an assortment of Stone Age lithic *debitage*; historical and modern discards, including mortar, brick, glass and plastic; and burnt sugar cane root-residues. The Berea hardpans thus constitute a cultural basal horizon of temporally mixed contents.

Iron Age farming community settlements are known to occur ubiquitously within cane fields on the higher-lying palaeo-dunes of the east coast littoral. However, despite recent cane cutting and good surface visibility, no primary context archaeological material or archaeological sites of any significance were observed within the proposed area of development.

The adjacent rocky shoreline would suggest exploitation of marine resources in the past. Shell middens are known and recorded from the KwaZulu-Natal Dolphin Coast, and further to the south<sup>3</sup>. Inspection of the tertiary dune edge at three access points to the foreshore between Christmas Bay and the Mhlali River mouth revealed no evidence of shell midden concentrations. Furthermore the foreshore dunes are heavily vegetated which precluded closer investigation. However, this zone is included within the Coastal Setback and Limited Development Line of the proposed development and is subject to exclusion conditions of the Integrated Coastal Management Act (No.24 of 2008, as amended). Consequently, the probability of disturbance of unrecorded *in situ* middens is considered low.

The SAHRIS Palaeontology Sensitivity Map places the development area within a yellow/green delimitation and thus of moderate to high paleontological potential. A desk top assessment has been commissioned which will determine if any further palaeontological mitigation is required. This will be loaded to the SAHRIS case file once completed.

During the field inspections to the study area no graves were observed. However, three unmarked ancestral graves are recorded on the Tongaat Hulett Estates' data base.<sup>4</sup> These have previously been assessed by eThembeni and are located within non-development zones of the current proposal due to steepness of slope and the underlying lithography.

**1. Approx. 100m x 50m in size. The number of graves is not known. Old residents in the area know of people being buried there as long as they can remember; over 70 years. Known grave of Mfana Leonard Sibisi died 1946  
29° 27.334'S 31° 15.061'E.**

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<sup>3</sup> van Schalkwyk, LO. and Wahl, EJ. 2004. 'Rescue excavation of an Iron Age Shell midden, Shrimp Lane, Salt Rock, KwaZulu-Natal'. (Proceedings of the Southern African Association of Archaeologists Biennial Conference, Kimberley).

<sup>4</sup> Graves and Burial Grounds Policy for Tongaat Hulett Properties, KwaZulu-Natal, South Africa. eThembeni Cultural Heritage. October 2010.

**2. Site pointed out by Hlungwane Mpange. This is a line of graves on the boundary line of S&P Farm between two co-ordinates. No visible evidence of graves and no dates, numbers or names known S290 27.544' E310 15.013' to S290 27.453' E310 14.814'**

All graves are accorded the highest level of protection and may not be disturbed without both family consent and a permit from Amafa. Should any impact on these grave locations be anticipated these would be the subject of the graves protocol as described below.

## **Recommendations**

It is thus recommended that the following protocol be made binding in the Record of Decision (R.o.D.):

“ The identified grave sites should ideally be left with a twenty metre (20m) buffer from construction activities and be fenced pending engagement with the relevant Authorities and any identified family members having an association or interest in the grave. In the event of unintentional exposure of any other grave, or a request from a family for exhumation and re-interment, the appointed project CLO/ECO shall immediately contact Amafa/KZN Heritage to obtain the necessary protocols and procedures for the management of such human remains”.

It is our considered opinion that the potential impact to heritage resources through implementation of the **proposed Tinley Manor South Bank Spatial Development Plan** is very low. On the basis of the foregoing is it requested that the proposed project area be exempt from the requirements of a full Phase 1 Heritage Impact Assessment.

Any Phase 2 intercessions would be subject to the Graves Protocol, above.

Yours sincerely



Len van Schalkwyk  
ASAPA CRM Heritage Practitioner No.165.

Site photographs have been loaded as case images on SAHRIS.